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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JARED ANDREW MARTIN,
12 Plaintiff,
13 v.
14 GAVIN NEWSOM, *et al.*,
15 Defendants.
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Case No. 1:22-cv-00056-JLT-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO STATE A
CLAIM AND FAILURE TO OBEY A
COURT ORDER

(Doc. 15)

Clerk of Court to close the case.

18 Plaintiff Jared Andrew Martin brought this civil rights action under 42 U.S.C. § 1983
19 alleging systemic and institutional racism and a pattern of racial discrimination and Kern Valley
20 State Prison. (Doc. 1.)

21 On June 22, 2023, the Court entered a screening order finding Plaintiff's complaint fails
22 to state a claim upon which relief can be granted. (Doc. 14.) The Court granted Plaintiff leave to
23 amend the complaint within thirty days and advised: "**If Plaintiff fails to comply with this**
24 **Order, the Court will recommend that this action be dismissed for failure to state a claim.**"
25 (*Id.* at 11) (alteration in original).

26 After Plaintiff failed to respond to the screening order, on August 30, 2023, the assigned
27 magistrate judge issued findings and recommendations to dismiss this case with prejudice for
28 Plaintiff's failure to state a claim upon which relief can be granted. (Doc. 15). The Court advised

1 Plaintiff he could file written objections to the findings and recommendations within fourteen
2 days. (*Id.*)

3 On September 13, 2023, the findings and recommendations were returned by the United
4 States Postal Service as “Undeliverable, Not in Custody.” Pursuant to Local Rule 182, if a pro se
5 party fails to notify the court of a change of address, “service of documents at the prior address
6 [of record] of the . . . party shall be fully effective.” L.R. 182(f).¹ Plaintiff did not file objections
7 to the findings and recommendations, and the time to do so has passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
9 a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
10 findings and recommendations to be supported by the record and proper analysis.

11 Accordingly, the Court hereby **ORDERS**:

- 12 1. The findings and recommendations issued on August 30, 2023, (Doc. 15), are
13 **ADOPTED IN FULL.**
- 14 2. This action is **DISMISSED WITH PREJUDICE** for failure to state a claim.
- 15 3. The Clerk of Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: **September 15, 2023**

18 
19 UNITED STATES DISTRICT JUDGE

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27 ¹ In addition, L.R. 183(b) requires a party appearing in propria persona to keep the Court apprised as to his or her
28 current address. If mail directed to that party is returned as undeliverable and the party fails to update his or her
address within 63 days, the Court may dismiss the action without prejudice for failure to prosecute. *Id.* Here, the first
screening order was returned as undeliverable on July 7, 2023. (*See* Docket.) It has been more than 63 days and
plaintiff has failed to update his address. (*Id.*)